

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10796 of 2023

Applicant :- Shyam Kishor Bajpai

Opposite Party :- State Of U.P. Thru. Secy. Revenue U.P. Govt. Lko.

Counsel for Applicant :- Pravin Kumar Sahu, Neeta Singh Chandel

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Neeta Singh Chandel, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 217 of 2023, under Sections 41, 102, 411, 413, 414, 419, 467, 468, 471, 120-B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.04.2023 by the Station House Officer, Police Station Vibhuti Khand, Lucknow against 2 persons, not including the applicant, alleging that on the basis of an information received from a mukhbir, the police found two named accused persons in a car in which they were sitting and 7 other cars parked there.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in four other cases has been disclosed in the affidavit and in the supplementary affidavit, in all of which the applicant has been implicated after his arrest and he has been granted bail in all those cases.
5. Learned counsel for the applicant has submitted that no independent person has witnessed the alleged recovery.
6. Learned counsel for the applicant has further submitted that a co-accused Abhishek Bajpai @ Satyam Bajpai, has already been granted bail by means of an order dated 18.08.2023 passed by this Court in Criminal Misc. Bail Application No.10298 of 2023.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is languishing in jail since 27.07.2023 whereas a co-accused has already been granted bail, I am of the view that the applicant is also entitled to be released on bail.

9. Accordingly, this bail application stands **allowed.**

10. Let the applicant- **Shyam Kishor Bajpai** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 22.11.2023

Preeti.